



PIZ1.PAU.02 US

IAPC Rec'd PCT/PTO 21 FEB 2006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Andrews, Stuart John
Based on: PCT/AU2004/000724
(WO 2004/110565 A1)
Serial No.: 10/561,405

Priority date: 19 June 2003
Int'l Filing Date: 31 May 2004

Title: **ANTERIOR SHOULDER
STRETCHING DEVICE**

Examiner: Not yet assigned

Group Art Unit: Not yet assigned

NOTICE OF FILING INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

Commissioner for Patents
PO BOX 1450
Alexandria, VA 22313-1450

Dear Sir:

In connection with the above-referenced application which is a U.S. National Stage Entry application under 35 U.S.C. § 371, from International Application No. PCT/AU2004/000724, please find the enclosed International Preliminary Report on Patentability. If necessary, please charge any deficit or credit any surplus to our Deposit Account No. 01-1960. A duplicate copy of this page is enclosed for that purpose.

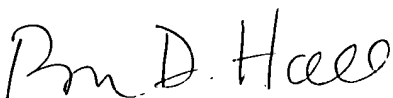
REMARKS

Entry of the International Preliminary Report on Patentability of the application, is respectfully requested.

I hereby certify that this correspondence is being deposited with the United States Postal Service: with s sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

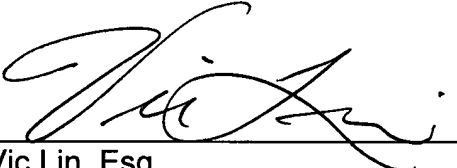
February 16, 2006

by Brooks Hall



Signature

Respectfully submitted,



Vic Lin, Esq.

Registration No. 43,754

Myers Dawes Andras & Sherman LLP
19900 MacArthur Boulevard, 11th Floor
Irvine, CA 92612

Tel: (949) 223-9600

Fax: (949) 223-9610

Customer No. 23386

RECEIVED**PATENT COOPERATION TREATY**

19 JAN 2006

BY:

PCT

From the INTERNATIONAL BUREAU

**NOTIFICATION CONCERNING
TRANSMITTAL OF COPY OF INTERNATIONAL
PRELIMINARY REPORT ON PATENTABILITY
(CHAPTER I OF THE PATENT COOPERATION
TREATY)**

(PCT Rule 44bis.1(c))

To:

PIZZEYS
Level 2
Woden Plaza Offices
Woden Town Square
(PO Box 291)
Woden, Australian Capital Territory 2606
AUSTRALIE

Date of mailing (day/month/year)

05 January 2006 (05.01.2006)

Applicant's or agent's file reference

14820AND

IMPORTANT NOTICE

International application No.

PCT/AU2004/000724

International filing date (day/month/year)

31 May 2004 (31.05.2004)

Priority date (day/month/year)

19 June 2003 (19.06.2003)

Applicant

ANDREWS, Stuart, John

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

Dorothee Mülhausen

Facsimile No.+41 22 740 14 35

Facsimile No.+41 22 338 87 40

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 14820AND	FOR FURTHER ACTION See item 4 below	
International application No. PCT/AU2004/000724	International filing date (day/month/year) 31 May 2004 (31.05.2004)	Priority date (day/month/year) 19 June 2003 (19.06.2003)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant ANDREWS, Stuart, John		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).
2. This REPORT consists of a total of 4 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

Date of issuance of this report 19 December 2005 (19.12.2005)	
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Dorothee Mülhausen
Facsimile No. +41 22 740 14 35	Telephone No. +41 22 338 87 40

PATENT COOPERATION TREATY

From the:
INTERNATIONAL SEARCHING AUTHORITY

To:

PLZBYS
PO Box 291
WODEN ACT 2606

PCT

RECEIVED

29 JUN 2004

WIPO PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year) 18 JUN 2004

Applicant's or agent's file reference
14820AND

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/AU2004/000724

International filing date (day/month/year)

31 May 2004

Priority date (day/month/year)

19 June 2003

International Patent Classification (IPC) or both national classification and IPC

Int. Cl. ⁷ A63B 23/02

Applicant

ANDREWS, Stuart John

BEST AVAILABLE COPY

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the IPRA/AU

AUSTRALIAN PATENT OFFICE
PO BOX 200, WODEN ACT 2606, AUSTRALIA
E-mail address: pct@ipaustalia.gov.au
Facsimile No. (02) 6285 3929

Authorized Officer

STEPHEN CLARK

Telephone No. (02) 6283 2781

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/AU2004/000724

Box No. I Basis of the opinion

BEST AVAILABLE COPY

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This opinion has been established on the basis of a translation from the original language into the following language, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
- a. type of material
- ☐ a sequence listing
- ☐ table(s) related to the sequence listing
- b. format of material
- ☐ in written format
- ☐ in computer readable form
- c. time of filing/furnishing
- ☐ contained in the international application as filed.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/AU2004/000724

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 1-8	YES
	Claims	NO
Inventive step (IS)	Claims 1-8	YES
	Claims	NO
Industrial applicability (IA)	Claims 1-8	YES
	Claims	NO

2. Citations and explanations:

Novelty (N), Inventive Step (IS), Industrial Applicability (IA) Claims 1-8

None of the citations alone, or in obvious combination, disclosed all of the features of any of the claims.

In particular, none of the citations disclosed the features of swing-arms that pivoted rearwardly to stretch the anterior shoulder, let alone have a user-actuated mechanism to allow this.

The invention as defined is regarded as being industrially applicable.

BEST AVAILABLE COPY